

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GARY GULLICKSON,)	
)	
Plaintiff,)	No. 08 C 3731
)	
)	Judge St. Eve
)	
VILLAGE DISCOUNT OUTLET, INC.;)	Magistrate Judge Denlow
MAYO, INCORPORATED;)	
PLAZA MARKETING ASSOCIATES;)	
JAMES BURT STINNETT;)	
LEONARD BAUMGARTNER;)	
WILLIAM RYAN; and)	
REGINALD WRIGHT,)	
)	
Defendants.)	

**DEFENDANT MAYO, INCORPORATED'S LR 56.1
STATEMENT OF UNDISPUTED MATERIAL FACTS**

Defendant Mayo, Incorporated ("Mayo"), pursuant to LR 56.1, submits this statement of undisputed material facts in support of its motion for summary judgment.

1. Plaintiff Gary Gullickson ("Gullickson") is a citizen of the United States and a resident of Montana. (Complaint, ¶ 2)
2. Mayo is an Illinois corporation with its principal place of business within this district. (Complaint, ¶ 5)
3. Defendant Village Discount Outlet, Inc. ("VDO") is an Illinois corporation with its principal place of business within this district. (Complaint, ¶ 3)

4. Defendant James Stinnett is a resident of Illinois. (Complaint, ¶ 4)

5. Defendant Plaza Marketing Associates is an Illinois corporation with its principal place of business within this district. (Complaint, ¶ 5A)

6. Defendant Reginald Wright, according to the complaint, “regularly conducts business in this district. (Complaint, ¶ 6)

7. Defendant William Ryan, according to the complaint, “regularly conducts business in this district. (Complaint, ¶ 7)

8. Defendant Leonard Baumgartner is a resident of Illinois.
(Complaint, ¶ 8)

9. Gullickson’s complaint purports to assert claims under 42 U.S.C. §§ 1981, 1985 and 1988. This Court has jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331 and 1343. This Court has supplemental jurisdiction over Gullickson’s state law claims pursuant to 28 U.S.C. § 1367(a).

10. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2), as a substantial part of the events alleged in the complaint occurred in this district.

11. Mayo was incorporated in 1992. It provides certain services, including telemarketing, to charities. (Declaration of John T. McGarry, attached as Exhibit 1, ¶ 2)

12. The president, secretary and sole corporate officer of Mayo is John T. McGarry, and this information is on file with the Illinois Secretary of State. (*Id.*, ¶¶ 1, 3)

13. None of the other defendant corporate entities are or have been corporate affiliates of Mayo, and none of the individual defendants are or have been officers or employees of Mayo. (*Id.*, ¶ 4)

14. Gullickson has never been an employee of or retained as an independent contractor by Mayo. (*Id.*, ¶ 5)

15. Mayo has never entered into a contract with Gullickson concerning “bonuses” of any sort. (*Id.*, ¶ 6)

Respectfully submitted,

Dated: August 15, 2008

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CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2008, the foregoing Defendant Mayo Incorporated's LR 56.1 Statement of Undisputed Material Facts was electronically filed using the CM/ECF system and served upon:

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